

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 16, 2003. Claims 2-8, and 10-19 are pending in the application. Claim 11 is allowed. Claims 5-8 and 14-19 are objected to. Claims 5 and 14 have been amended in accordance with the Examiner's comments. Claims 2-4, 10, 12 and 13 are rejected. Claims 3, 4, 7-9, 11, 13, 15, and 17-19 have been canceled. Claims 2, 5, 12 and 14 have been amended. New claims 20 and 21 have been added.

First, Applicant wishes to thank the Examiner for allowing claim 11 and indicating that claims 5-8 and 14-19 would be allowable if amended. Claims 5, 7 and 14 have been amended and claims 15 and 17 have been canceled. Claims 5, 6, 14 and 16 are now believed to be in condition for allowance.

Regarding claims 2-4, 12 and 13, the Examiner has rejected these claims as being anticipated by Roberts (US 4,143,411). Claims 2-4, 10, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Law (US 6,352,355). Applicant respectfully traverses the rejection, and submits that all claims at present in the application are clearly patentable over the cited prior art in view of the following arguments.

The present invention relates to a flexible lighting device including a rope light, which is known in the art, and includes a plurality of tiny light bulbs coupled to conducting wires and molded in a plastic rope. ("Rope light" is a known term of art, as can be seen in several of the patents cited in the Background of the Invention, particularly US 5,833,558 to Pettie (col. 1 lines 19-27; col. 5 lines 42-45 and 53-57), wherein it is mentioned that a rope light is manufactured by Magic

Light Limited and distributed by a US company W.A.C. Lighting Company of College Point N.Y., among others). The invention is characterized by an adjustable shape-retaining element incorporated in the rope light and preferably molded into the plastic rope during the manufacturing process of the rope light. This structure provides the flexible lighting device with a shape selectable at will, which is changeably retained by the adjustable shape-retaining element.

As seen in Fig. 2a of the present invention, and described in the specification on page 5, lines 5-8, the adjustable shape-retaining element may be a metal wire which is incorporated in the rope light, so as to form an integral part of the flexible lighting device. Such a unitary lighting device is not taught or suggested by any of the prior art cited by the Examiner or known to Applicant.

It is respectfully submitted that Roberts does **not** show or describe the novel elements of the present invention, as set forth in amended claims 2 and 12. Roberts relates to lighting apparatus for architectural usage where the lighting structure can be permanently placed in predetermined disposition. (Abstract, lines 1-4). In particular, the patent discloses a retaining structure 50 or 80 which is permanently placed in the desired attitude within a selected structure (col. 1, lines 4-6), such as stairs. Once the retaining structure has been affixed in place and in the desired shape, the lighting element 10 (which consists of a light tube containing a plurality of lamp bulbs connected by a pair of conductors) is pressed into a tube retaining cavity of the retaining structure, and may be sealed in place (col. 3, lines 58-63). Roberts neither teaches using a rope light nor a lighting device with an internally incorporated retaining structure.

The Examiner points to col. 4, lines 11-14 and 29-31, as showing the adjustable shape-retaining element (80) molded in the plastic rope. It is respectfully submitted that a careful reading of these passages shows that Roberts refers to permanent bonding of the lighting element to an external retaining structures (lines 11-12), rather than internally incorporating a shape-retaining element into the rope light, as in the present application.

Thus, in the present invention, a shape-retaining element is incorporated into a rope light, i.e., the lighting element, to form a unitary device, whereas in Roberts, a tubular lighting element is inserted into an external retaining structure whose shape is retained by molding it into concrete (or otherwise bonding it to a support surface).

US Patent 6,352,355 to Law discloses a decorative internally-lighted and position-sustaining ribbon. The ribbon is formed by a light string (a plurality of light bulbs joined by a pair of conducting wires), and two elongated strips of flexible, semi-translucent material. The strips are connected along their longitudinal edges to form a hollow, elongated sleeve-like enclosure. The light string extends substantially along the length of and within the sleeve-like enclosure. According to one embodiment, a wire is sewn in a seam along one edge of the strips to hold the ribbon in position and allow the strips to be bent without breaking.

The patent to Law does not refer to a rope light, or to an adjustable shape-retaining element integrally formed with the flexible lighting element. In fact, the patent to Law teaches away from both these aspects of the present invention, as the wire "preferably extends along each longitudinal... edge of the strip to maintain the

strips in a generally flat configuration of the ribbon and inhibit the connected strips from assuming a generally tubular shape" (col. 3, lines 1-5), and the decorative lighted ribbon can be manufactured without the interior light string, and the user can later insert a conventional miniature Christmas tree light string in the sleeve-like enclosure prior to use of the decorative lighted ribbon (col. 4, line 65, to col. 5, line 3).

Thus, Applicant respectfully submits that there are structural differences which patentably distinguish the claimed invention from the devices disclosed by Roberts and Law. In particular, the use of a rope light internally incorporating a flexible shape retaining element, contrary to the teaching of Roberts of an external, non-flexible, shape-retaining element to which the light element is bonded, and the use of a rope light internally incorporating a flexible element for retaining desirable shapes as opposed to a loose light string threaded through a sleeve, as taught by Law. Independent claims 2 and 12 have been amended, and new claims 20 and 21 have been added, in order to more clearly point out these patentably distinguishing features and, are now deemed to be in order for allowance. Support for these amendments are found in the specification on page 1, lines 25-29; page 6 (amended), lines 1-6 (in conjunction with Fig. 1); and page 6 (amended), lines 11-14 (in conjunction with Fig. 2a).

The prior art made of record and not relied on is less relevant to the present invention than those patents cited and distinguished hereinabove.

Allowable Subject Matter

Claims 11 has been allowed, but now cancelled.

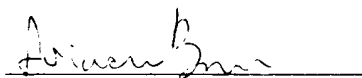
Claim 7 has been cancelled and claims 5 and 14 have been amended to incorporate all the limitations of the base claim and any intervening claims. Claim 6 depends from, and adds additional limitations to, claim 5, claim 8 has been cancelled, and claim 16 depends from, and adds additional limitations to, claim 14. Accordingly, claims 5 and 6, 14 and 16 are now deemed to be allowable.

Claims 15, 17-19 have been cancelled.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 2, 5-6, 10, 12, 14, 16, and 20-21, are clearly patentable over the cited prior art. Also, this Amendment does not raise new issues, but rather clarifies certain features of the claims. Therefore, Applicant believes this Amendment responds to all of the points raised in the Office Action and that the application is now in condition for allowance. Prompt issuance of an action to that effect is respectfully solicited.

Should the Examiner be of the opinion that outstanding issues remain, it is requested that Applicant be called to discuss them.

Respectfully submitted,



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